REMARKS

Reconsideration of this patent application is respectfully requested in view of the following remarks.

The Applicant comments upon the prior art rejections of the claims as follows.

In the Office Action, the Patent Examiner has rejected the claims under 35 U.S.C. 103(a) as being unpatentable over *Basson et al.* in view of *Gonas*, and further in view of *Staser et al. '096* and further in view of *Scheck et al.* and further in view of *Bertolini et al.* and further in view of *Ishikawa*.

Additional argumentation to distinguish the claimed invention over the teachings of the cited prior art references relates to the structure of the motor vehicle door internal element.

The Patent Examiner has argued that the claims are considered to be product by process claims and as such are anticipated by the product. In particular, the Office Action has argued that the statements found in the Declaration of Mr.

Johannes Hysky are directed to the process by which the product is made.

However, the process by which the product according to the invention is made results in a product having a nonobvious and unique structure. The solid boundary layers (52) and the foamed, porous central layer (54) are made of the same thermoplastic material and define one single body produced by a single foaming process, i.e. said solid boundary layers (52) are produced by said single foaming process too.

The shell (42) of the safety molding taught by *Gonas (U.S. Patent No. 5,700,050)* is produced by blow molding. In a second step, the interior section (62d) of the blow molded shell (42) is filled with a structurally engineered foam (64). Thus, there is a discontinuity from the foam (64) towards the blow molded shell (42). Accordingly, the foam (64) and the blow molded shell are represented with different hatchings.

In contrast to the safety molding taught by *Gonas*, in the motor vehicle door internal element according to the present invention there is no discontinuity from the foamed, porous central layer to the solid boundary layer. In fact, due to said

single foaming process there is a continuous transition (change) from the foamed, porous central (54) layer to the solid boundary layer (52).

For this reason, the motor vehicle door internal element according to the present invention, in particular the structure thereof, is not anticipated nor rendered obvious by the safety molding taught by *Gonas*.

The structure of the motor vehicle door internal element according to the present invention results in advantageous properties in particular with respect to flexural strength combined with reduced weight. As the sample of the motor vehicle door internal element shows, the wall thickness thereof is comparatively thin. The safety molding taught by *Gonas* must have a voluminous wall thickness in order to have sufficient energy absorbing properties.

As already mentioned in the Amendment filed in response to the Nonfinal Office Action, the safety molding disclosed by *Gonas* has not the necessary flexural strength of a support element for holding various mechanical and electrical components of a vehicle door. This is because the safety molding is filled with a structurally engineered foam that is compressible under a com-

pressive force corresponding to impact forces in cases in which a passenger is thrown against the safety molding as part of the door.

All of the other arguments for the patentability of the claimed invention, over all of the cited and applied prior art references, as set forth in the Amendment previously filed on January 12, 2006, are herewith incorporated by reference.

In view of these further arguments for patentability, it is firmly believed that the present invention, and all the claims, are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. A prompt Notification of Allowability is respectfully requested.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 31, 2006.

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